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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ANIKA OKJE ERDMANN-BROWNING
and JACQUELINE BENITEZ, individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

THOMAS J. VILSACK, Secretary, United
States Department of Agriculture, in his
official capacity; SHALANDA YOUNG,
Director of the United States Office of
Management and Budget, in her official
capacity.

Defendants.

Case No.: 4:23-cv-04678-JST

**DECLARATION OF THERESA
HAVELKA IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

CLASS ACTION

Action filed: September 12, 2023

DECLARATION OF THERESA HAVELKA

I, Theresa Havelka, declare as follows:

1. I am the Case Management Supervisor for Part of the Solution (POTS) in the Bronx. Our clients depend on SNAP (Supplemental Nutrition Assistance Program) benefits to feed themselves and their families. If SNAP benefits are suspended or delayed beginning January 1 of next year, our clients will have to choose between paying for food or the other necessities of life. I submit this declaration in support of Plaintiffs' motions for a preliminary injunction and for class certification in this lawsuit. If called as a witness, I could and would competently testify to the following.

2. In 1982 POTS opened its doors in the Bronx in New York City. In its earliest days, our founders, Father Ned Murphy, Sister Jane Iannucelli and Tim Boon, addressed the food insecurity of the most vulnerable members of the neighborhood by opening a soup kitchen. Since then, POTS has expanded to provide a range of services to our clients. The Bronx is home to the poorest congressional district in the United States with approximately one-fourth of Bronx residents currently living below the poverty line. People impacted by poverty are at greater risk for a host of difficulties such as hunger, malnutrition, homelessness, health problems, and developmental or educational delays. Today POTS' services help clients to find stability across such areas as financial wellbeing, health, education, housing and day-to-day needs. We primarily serve families, but also seniors and single adults.

3. POTS is open to the entire community in the Bronx. In 2022 POTS maintained its commitment to address the emergent needs of the community and to provide consistent services to clients that continue to face the social and economic impacts of the COVID-19 pandemic.

- POTS' Food Security Programs provided more than 3,200,000 total meals, an increase over 2021 and more than double what was provided in 2019.
- The case managers in POTS' Long-Term Stability Program helped more than 14,000 clients access over \$13,000,000 in public benefits, such as SNAP benefits and public assistance.

- POTS' Legal Clinic prevented over 250 evictions and continued to work to ensure the stability of nearly 2,500 clients who were facing rent arrears that in many cases has been accumulating since the onset of the COVID-19 pandemic.
- More than 2,500 clients relied on POTS' Dignity and Wellness Services to access mail facilities (crucial to secure access to public benefits), as well as receiving shower and haircut services as part of our belief that everyone deserves access to resources to attend their personal care.

This year POTS will help close to 37,000 people with a multitude of needs.

4. I have been the Case Management Supervisor at POTS from September 2022 until the present. In that capacity, I oversee a team of six case managers plus one intern. My team focuses on assisting our clients with issues related to SNAP benefits but we also assist clients with Medicaid and other public benefits and with obtaining other services, such as shelter referrals and Metro Cards.

5. I started working for POTS in August 2019. I initially served as the Day-to-Day Services and Clothing Closet Coordinator where, among other things, I referred clients for SNAP benefits and provided day to day services, including showers, haircuts, and mail for over 100 clients. I then became a Case Manager and my responsibilities included assisting clients to obtain SNAP and other public benefits, screening and referring clients for services both internal and external services and mediating and advocating for clients who experienced difficulties in accessing benefits. I next became the Food Support Connections Coordinator and one of my duties in that new position was to continue to arrange for comprehensive services to clients in need of these services.

6. At present, I personally help an average of approximately 20 clients to apply for or recertify for SNAP benefits per month while my team helps an average of approximately 200 households to apply for or recertify for SNAP benefits per month.

7. Our clients all too frequently do not receive SNAP benefits they are entitled to receive. Some of our clients have applied for SNAP benefits on an expedited basis because they have no income or their income is less than their rent and utilities. These clients, many of whom

1 are unhoused, often do not receive their SNAP benefits within the seven-day deadline mandated
2 by federal law. Another group of clients, such as those who work in low wage jobs, do not
3 receive their SNAP benefits within the thirty-day deadline for regular applications under federal
4 law. We also assist clients to have their SNAP benefits reinstated after the benefits were
5 unlawfully terminated.

6 8. Based upon the experiences of our clients, I cannot overstate the harm caused by
7 delays in providing SNAP benefits or the loss of these benefits. Our clients do the best they can.
8 They should not have to choose between feeding themselves or paying rent. Some of our clients
9 do not even have a telephone or find it difficult to travel around the city. Parents give priority to
10 their children's needs and want to ensure that their children at least have food and shelter. Young
11 children in particular cannot go without food.

12 9. There is no substitute for SNAP benefits for meeting the food needs of our clients.
13 POTS operates a pantry, which is open Monday through Saturday from 8 a.m. to 11 a.m.
14 Households are eligible to go to the pantry once per month. Approximately 200 households go
15 each day to pick up canned goods, vegetables, with perhaps some dairy products and meat. The
16 pantry is only intended to be a supplement to SNAP and households cannot survive a month on
17 what the pantry provides.

18 10. POTS also operates a community dining room, which is open Monday through
19 Saturday 12:30 p.m. to 3 pm. The community dining room serves just one meal per day. While
20 there is no limit on eligibility, the community dining room is not intended to replace SNAP nor
21 could it.

22 11. I am aware that at present the federal government has made no commitment for
23 SNAP benefits to continue after December 31 of this year if Congress does not pass another
24 continuing resolution or an appropriations bill. The threatened suspension or delay in providing
25 SNAP benefits will harm thousands of the households currently served by POTS. Our clients are
26 already vulnerable and, even while working, rely on SNAP to meet their needs for food. If SNAP
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1 benefits are suspended or delayed beginning January 1, 2024, our clients are likely to go hungry
2 or to pay for food but not the other necessities, such as rent or utilities.

3 I declare under penalty of perjury under the laws of the United States of America that the
4 foregoing is true and correct. Executed on November 9, 2023, in New York, New York.

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7 Theresa Havelka
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